

Superior Court
of the
State of Delaware

Jan R. Jurden
President Judge

Leonard L. Williams Justice Center
500 North King Street, Suite 10400
Wilmington, Delaware 19801-3733
Telephone (302) 255-0665

April 21, 2021

Antonio Russell
SBI# 00836045
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977

RE: State v. Antonio Russell, ID No. 1707010054

Dear Mr. Russell:

The Court has received your Motion for Credit for Time Previously Served dated December 22, 2020.¹ In your Motion, you ask the Court to credit you the 115 days during which you were in the custody of the Department of Correction—from April 1, 2017 to July 25, 2017.²

As the State notes in its response, however, your April 1, 2017 detention was related to a different criminal case: ID No. 1703022659.³ You filed your Motion in ID No. 1707010054. In fact, you acknowledge in your Motion that you were “incarcerated on 7/25/17 for the above captioned matter” (i.e., ID No. 1707010054).⁴

The Court cannot apply the time that you served in one criminal case against the sentence that you received in a different criminal case.⁵ Accordingly, your Motion is **DENIED**.

¹ D.I. 73.

² *Id.*

³ D.I. 119.

⁴ D.I. 73.

⁵ *Preston v. State*, 2017 WL 6336903, at *1 (Del. Dec. 11, 2017) (affirming the Superior Court’s denial of a motion for credit for time pervious served because the defendant “sought credit in the wrong case”).

IT IS SO ORDERED.

Very truly yours,

/s/Jan R. Jurden

Jan R. Jurden, President Judge

JRJ:mls

cc: Prothonotary
Matthew B. Frawley, DAG